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	Application No.	Applicant(s)
Notice of Allowability	10/727,171 Examiner	MIZUNO ET AL.
	James D. Stein	2874
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS therewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT ROT the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	plication. If not included will be mailed in due course. THIS
1. X This communication is responsive to the RCE filed on 04/0	<u>03/06</u> .	
2. ⊠ The allowed claim(s) is/are <u>57-9€</u> .		•
 Acknowledgment is made of a claim for foreign priority ur a) ☐ All b) ☐ Some* c) ☐ None of the: 	nder 35 U.S.C. § 119(a)-(d) or (f).	
1. ☑ Certified copies of the priority documents have	e been received.	
2. Certified copies of the priority documents have been received in Application No		
3. ☐ Copies of the certified copies of the priority do	cuments have been received in this	national stage application from the
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:	•	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirements
 A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give 		
5. \square CORRECTED DRAWINGS (as "replacement sheets") must	st be submitted.	
(a) Including changes required by the Notice of Draftspers	son's Patent Drawing Review (PTO-	948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	s Amendment / Comment or in the C	office action of
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t		
 DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT 		
		. •
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. Notice of Informal P	atent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	 Interview Summary Paper No./Mail Dat 	(PTO-413), te
 Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 0406 		nent/Comment
4. Examiner's Comment Regarding Requirement for Deposit	8. 🛭 Examiner's Stateme	ent of Reasons for Allowance
of Biological Material	9.	- DIU
John D.	Ju (James D. Stein Patent Examiner, AU 2874

U.S. Patent and Trademark Office PTOL-37 (Rev. 7-05) John Divee Primary Examiner

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in . 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/03/06 has been entered. Claims 1-56 have been cancelled and new claims 57-97 have been added. Claims 57-97 are pending in the application.

Allowable Subject Matter

Claims 57-97 are allowed.

The following is an examiner's statement of reasons for allowance: With regard to 57 independent claims 6 and 91, none of the cited prior art discloses or suggests the optical multiplexing/demultiplexing device previously claimed wherein a phase-generating device disposed between two MUX/DMUX devices generates a wavelength dependent phase/optical frequency dependent phase with respect to a wavelength of light over a whole passband comprising a plurality of individual passbands, the phase setting a wavelength period between centers of adjacent passbands which are located on a wavelength-domain grid/optical frequency domain grid.

The most relevant prior art, the Takiguchi reference of record, discloses one or more optical multiplexing devices and at least one optical delay line interposed between each of the optical multiplexing devices. However, Takiguchi does not further disclose a phase generating device which generates a wavelength dependent phase/optical frequency dependent phase with

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respect to a wavelength of light over a whole passband comprising a plurality of individual passbands, the phase setting a wavelength period between centers of adjacent passbands which are located on a wavelength-domain grid/optical frequency domain grid. Applicant has discovered that these features allow setting the optical frequency period and the central optical frequency of the MUX device simultaneously, thereby mitigating the problem of deteriorating optical transmission characteristics associated with the prior art. One of ordinary skill in the art would not have found it obvious to modify Takiguchi to achieve this functionality, as there is no suggestion in the prior art that it would be advantageous in any way. Therefore, the claimed invention is patentably distinct from the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Stein whose telephone number is (571) 272-2132. The examiner can normally be reached on M-F (8:00am-4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James D. Stein

Patent Examiner, AU 2874

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